

**n0121642**

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**From:** Kayata, Paul  
**Sent:** Tuesday, March 31, 2015 10:40:56 AM  
**To:** 'Michael Buckley'  
**Subject:** RE: Siquencia matter  
**Attachments:** image001.png

Mike,

Per our conversation this morning, please note that we have paid \$146,736 from the date of tender 12/28/10 in defense of this case. We seek reimbursement of this amount, less 50% of the \$63,901.68 of Valiant's costs to defend DASNY.

As such, the net reimbursement we are seeking is \$114,785.16. Please let me know if you would like me to print out and scan over to you all the legal payment screens in this matter.

Thank you.

Paul

**Paul Kayata, MBA | Sr. Technical Claims Specialist**

Liberty Mutual Insurance

Commercial Insurance Claims

Complex Construction Liability

Phone: 1-800-231-6165 x37000

SDN: 7337000

Fax: 888-325-8127

Please send all mail correspondence to:

Liberty Mutual Insurance

P.O. Box 7214

London, KY 40742-7214

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**From:** Michael Buckley [mailto:MBuckley@buckleylawgroup.com]

**Sent:** Thursday, March 26, 2015 11:40 AM

**To:** Kayata, Paul

**Subject:** Re: Siquencia matter

Will do

Mike Buckley

Sent from my iPhone

On Mar 26, 2015, at 10:05 AM, Kayata, Paul  
<[PAUL.KAYATA@LIBERTYMUTUAL.COM](mailto:PAUL.KAYATA@LIBERTYMUTUAL.COM)> wrote:

Mike,

No, I am not denying your claim. Please call me to discuss resolution of this matter when you can.

I am out tomorrow and Monday, but should be in all next week.

Thanks.

Paul

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**From:** Michael Buckley [<mailto:MBuckley@buckleylawgroup.com>]

**Sent:** Thursday, March 19, 2015 11:18 PM  
**To:** Kayata, Paul  
**Cc:** Helene Dalmanieras; Natesha Salley  
**Subject:** RE: Siquencia matter

Paul: I already explained our position. The indemnity in the underlying contract does not preclude one carrier from seeking equitable contribution to defense costs from another primary carrier of the same AI. Does this mean that you are now denying our claim?

<image003.jpg>

**Michael B. Buckley, Esq.**

**Admitted in Florida, New York and California**

*Florida – 727-822-4800*

*(direct line: 727-822-4843)*

*New York – 212-514-7400*

*Los Angeles – 310-746-9446*

[mbuckley@buckleylawgroup.com](mailto:mbuckley@buckleylawgroup.com)

[www.buckleylawgroup.com](http://www.buckleylawgroup.com)

**From:** Kayata, Paul [<mailto:PAUL.KAYATA@LIBERTYMUTUAL.COM>]  
**Sent:** Wednesday, March 18, 2015 7:58 AM

**To:** Michael Buckley

**Subject:** FW: Siquencia matter

Mike,

Because Valiant picked up the tender for Gilbane without reservation, if Gilbane owes contractual indemnification to DASNY, then Valiant would owe same on Gilbane's behalf.

Our position is that Valiant's contractual obligations to Gilbane and DASNY would require them to pay the full costs to defend this case.

Please let me know your thoughts.

Thanks.

Paul

**Paul Kayata, MBA | Sr. Technical Claims Specialist**

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**From:** Kayata, Paul  
**Sent:** Wednesday, February 25, 2015 11:41 AM  
**To:** Michael Buckley  
**Subject:** RE: Siquencia matter

Mike,

I'm working on it. I hope to get back to you soon.

**Paul Kayata, MBA | Sr. Technical Claims Specialist**

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<image002.png>

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**From:** Michael Buckley [<mailto:MBuckley@buckleylawgroup.com>]

**Sent:** Wednesday, February 25, 2015 10:43 AM

**To:** Kayata, Paul

**Cc:** Helene Dalmanieras

**Subject:** RE: Siquencia matter

Paul: I explained our position. Can you please advise where you are at with regard to this matter?

<image003.jpg>

**Michael B. Buckley, Esq.**

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[www.buckleylawgroup.com](http://www.buckleylawgroup.com)

**From:** Michael Buckley  
**Sent:** Wednesday, February 04, 2015 11:45 AM  
**To:** 'Kayata, Paul'  
**Cc:** Helene Dalmanieras  
**Subject:** Siquencia matter

Paul: Following our phone call, please note that, in NY, a carrier may pursue another carrier for equitable contribution to defense costs, directly. *See In re East 51<sup>st</sup> Street Crane Collapse Litigation*, 103 A.D.3d 401, 960 N.Y.S.2d 364 (1<sup>st</sup> Dep't 2013). That there was no reservation directly with the insured is not relevant. The equitable contribution claim is simply based upon the respective carrier's independent duty to defend the insured – or AI.

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